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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/162,735 09/29/98 GESSNER

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TM02/1106  
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EXAMINER

PAULA.C

ART UNIT

PAPER NUMBER

2176

DATE MAILED:

11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/162,735

Applicant(s)

GESSNER, RICK

Examiner

CESAR B PAULA

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This action is responsive to the CPA filed on 9/4/2001.

**This action is made Non-final.**

2. In the amendment, claims 1-21 are pending in the case. Claims 1, 7, and 13 are independent claims.
3. The rejections of claims 1-21 under 35 U.S.C. 103(a) as being unpatentable over Hsu et al, hereinafter Hsu (Pat. # 6,154,754, 11/28/00, filed on 9/25/97) have been withdrawn as necessitated by the amendment.

#### ***Drawings***

4. The draftsman objects to the drawings. See attached form PTO-948 for details. Correction is required. However, formal correction of the noted defects can be deferred until the examiner allows the application.

#### ***Specification***

5. Appropriate corrections have been made to the specification, except for the proposed amendment to p.5, line 28, which has not been entered, since the directions are unclear (amendment filed on 12/7/00). Appropriate correction is required. Otherwise, the objections have been removed.

#### ***Claim Objections***

6. Claim 1 is objected to because of the following informalities: the limitation: "a parsing component....both malformed and well-formed expressions; and (L.5-6, claim 1, p.1) is also repeated in lines 7-8, p.2 . Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-6 rejected under 35 U.S.C. 102(e) as being anticipated by Glass et al, hereinafter Glass (Pat. # 6,253,204, 6/26/01, filed on 12/17/97).

Regarding independent claim 1, Glass teaches a browser for retrieving and scanning an HTML document, representing a document and its layout, over the Internet. The browser identifies whether or not a link is accessible or not--*parsing component coupled to said scanner component for parsing said renderable content, said renderable content containing both malformed and well-formed expressions* (col. 1, lines 36-60, and col. 6, lines 18-42).

Furthermore, Glass teaches the modification a replacement of a broken link markup language with a attribute markup language representing the accessible status of the link-- *a replaceable document type definition component....to transform said renderable content into well-formed objects to be processed by a content model* — (col. 1, lines 45-60, and col. 6, lines 12-42).

Claims 2-6 are directed towards a client for carrying out the client of claim 1, and are similarly rejected.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glass, in view of Nakao (Pat. # 6,061,697, 5/9/00, filed on 8/25/97).

Regarding independent claim 7, Glass teaches a browser for retrieving and scanning an HTML document, which as was well known in the art have DTD that are replaceable to accommodate new features, e.g., tags, etc—*layout document type definition*-- over the Internet. The browser identifies whether or not a link is accessible or not-- *accessing an input stream via a network connection* (col. 1, lines 36-60, and col. 6, lines 18-42). Glass fails to explicitly teach *receiving a replaceable layout document type definition*. Nakao teaches replacing of an original DTD with a partial or modified DTD by adding declarations to the original DTD (col. 10, L. 50-67, and col. 11, L. 1-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Glass, and Nakao, because Nakao teaches the editing of DTDs to aid the editing of documents in a collaborative environment (col. 5, L. 1-44).

Moreover, Glass teaches the parsing and modification of a HTML document, to replace a broken link with an attribute representing the accessible status of the link, and the display or manifestation of the fixed HTML document--*well formed document model*—on the browser-- *parsing said renderable content... to generate a well-formed content model, and manifesting said content model within a data processing environment*— (col. 1, lines 45-60, and col. 6, lines 12-42).

Claims 8, 10-11 are directed towards a method for carrying out the client of claims 2, 2, 2, and 2 respectively, and are similarly rejected.

Regarding independent claim 9, which depends on claim 7, Glass teaches a browser for retrieving and scanning an HTML document, which as was well known in the art have DTD that

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are replaceable to accommodate new features, e.g., tags, etc—*layout document type definition*-- over the Internet. The browser identifies whether or not a link is accessible or not-- *accessing an input stream via a network connection* (col. 1, lines 36-60, and col. 6, lines 18-42). Glass fails to explicitly teach *a definition for XML documents*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have performed the above limitation, because Glass teaches above the fixing of broken links in a markup language document, which would benefit the representation of XML documents .

Claim 12 is directed towards a client for carrying out the client of claim 1, and are similarly rejected.

Claim 13 is directed towards a method for implementing the client and method found in claims 1, and 7, and is similarly rejected.

Claims 14-18 are directed towards a method for carrying out the client of claims 2, 2, 2, and 2 respectively, and are similarly rejected.

Claims 19-21 are directed towards a client for carrying out the client of claims 2, 2, and 2 respectively, and are similarly rejected.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant indicates that Hsu would not have rendered claims 1-21 obvious (p.5,L.24-27). The Applicant is directed towards the rejection of the claims above, based on the amended claims, and a newly found prior art.

The Applicant has noted that Hsu does not teach or suggest the parsing of HTML document, and the substitution of document type definitions (p.7,L.14-20). The Applicant is directed towards the rejection of the claims above, based on the amended claims, and a newly found prior art.

Regarding claims 1, 7, and 13 are rejected at least for the same reasons which have been submitted above.

### *Conclusion*

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ANDERSON et al. (Pat. # 6,209,095 B1).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

Director United States Patent and Trademark Office

Washington, D.C. 20231

Or faxed to:

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- (703) 746-7238, (for **After Final** communications intended for entry)
- (703) 746-7239, (for **Formal** communications intended for entry)


Or:

- (703) 746-5644, (for **Informal or Draft** communications for discussion only, please label  
"PROPOSED" or "DRAFT" ).

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).**

*CBP*

10/31/01

  
**STEPHEN S. HONG**  
**PRIMARY EXAMINER**